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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/480,041 | 01/10/2000 | JEFFERSON B. BURCH | 10982344 | 3831 |

22878 7590 05/21/2003

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EXAMINER

BUI, BRYAN

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--|-----------------|---|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/480,041 | BURCH, JEFFERSON B. | |
| | Examiner | Art Unit | |
| Bryan Bui | | | |
| 2863 | | | |
| -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -- | | | |
| Period for Reply | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. | | | |
| <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | |
| Status | | | |
| 1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>17 March 2003</u> . | | | |
| 2a) <input checked="" type="checkbox"/> This action is FINAL. 2b) <input type="checkbox"/> This action is non-final. | | | |
| 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. | | | |
| Disposition of Claims | | | |
| 4) <input checked="" type="checkbox"/> Claim(s) <u>10-28</u> is/are pending in the application. | | | |
| 4a) Of the above claim(s) _____ is/are withdrawn from consideration. | | | |
| 5) <input type="checkbox"/> Claim(s) _____ is/are allowed. | | | |
| 6) <input checked="" type="checkbox"/> Claim(s) <u>10-28</u> is/are rejected. | | | |
| 7) <input type="checkbox"/> Claim(s) _____ is/are objected to. | | | |
| 8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement. | | | |
| Application Papers | | | |
| 9) <input type="checkbox"/> The specification is objected to by the Examiner. | | | |
| 10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. | | | |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | | |
| 11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. | | | |
| If approved, corrected drawings are required in reply to this Office action. | | | |
| 12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. | | | |
| Priority under 35 U.S.C. §§ 119 and 120 | | | |
| 13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). | | | |
| a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of: | | | |
| 1. <input type="checkbox"/> Certified copies of the priority documents have been received. | | | |
| 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. | | | |
| 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). | | | |
| * See the attached detailed Office action for a list of the certified copies not received. | | | |
| 14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). | | | |
| a) <input type="checkbox"/> The translation of the foreign language provisional application has been received. | | | |
| 15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. | | | |
| Attachment(s) | | | |
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. | |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) | |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | | 6) <input checked="" type="checkbox"/> Other: <i>See Continuation Sheet</i> . | |

Continuation of Attachment(s) 6). Other: references 6205362, 5566180 in record.

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DETAILED ACTION

Notice to Applicant

1. Applicant's papers filed on 3/17/2003 have been received and entered. Claims 10 has been amended. Claims 10-28 are pending in the application.
2. Applicant's remarks have been considered but are moot in view of the new ground of the rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eidson (U.S. Patent No. 6,205,362).

With respect to claims 10-11, Eidson teaches a performance monitoring distributed system comprising a set of **nodes** (known as component nodes or components) that communicate via a network include a set of significant events that are to be monitored (e.g. column 9, lines 62-67 and column 10, line 61 to column 11, line 4), providing each of a set of nodes applications associated with the distributed application (see e.g. Figure 1, and column 1, lines 19-32, column 3, lines 13-22) **having a recorder functionality** (see Microsoft press Computer Dictionary:

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Packet is an information unit representing both data and a header containing an identification number...) to identify the obtained significant events having a time-stamp from a corresponding synchronized clock and analyzing time stamp records from the node application corresponds to the significant events which are generated in the distributed application (see, e.g. column 3, lines 23-32, column 10, lines 11-60). It is noted that significant events are known as any events which cause to change/interactive between software components in configuration messages on the network, such as reception or posting or reboot, shutdown, etc.

Eidson does not expressly indicate “running an experiment” as claimed application. However, Eidson shows the operation of first example application in the distributed system which indicate one or more of the significant events (e.g. column 9, line 62 to column 67). Therefore, it would have been obvious to one of ordinary skill in the art to include a step of running experiment in the distributed application that generates one or more of the significant events in the teachings of Eidson, because Eidson teaches a technique of the application having the time stamp records corresponds to the events in the operation of the example application which provide the same meaning to the running an experiment as claimed to identify the significant events in the system.

5. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eidson (U.S. Patent No. 6,205,362) in view of Eidson (U.S. Patent No. 5,566,180).

With respect to claims 12-14, Eidson ('362) teaches each of component nodes comprises a memory for storing the events, configuration messages in the application controls in a distributed

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control system that implemented with programmable logic controllers using self describing packets including time stamps (see, e.g column 1, lines 11-32, column 10, lines 41-55). Eidson ('362) does not show steps of: generating a graphical represent of the time stamp records; determining a set of delays, and correcting the time stamp records in response to the delays. Eidson ('180) teaches these limitations (see, e.g. column 7, line 10 to column 8, line 23). It would have been obvious to one of ordinary skill in the art to modify the invention as taught by Eidson ('362) to include these functional elements of Eidson ('180), because Eidson ('180) teaches a precise manner of generating a graphical of the time stamp records, determining a set of delays in execution of the node applications and making the correction of the time-stamp records in response to the delays in the same field of the application nodes in distributed system.

6. Claims 15, 16 and 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eidson (U.S. Patent No. 6,205,362).

With respect to claims 15, 16 and 18-18, Eidson ('362) teaches a distributed system comprising a set of nodes that communicate via a network, a set of node applications distributed among the nodes (see e.g. Figure 1); each node application having at least one function (application control with self describing packets) which is associated with a **significant event** (**depends on the type of associated distributed application, such as a receipt of sensor data, a generation of a control value in the distributed application, database access, and an application of a control value to an actuator**) for generating a time stamp record for each of a set of significant events associated with one or more node applications include a synchronized

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clock to provide a synchronized time base across the nodes (see, e.g. column 3, lines 5-42 and column 10, lines 29-67). It should be noted that the *terms: a recorder function and event log* do not disclose in the reference. Eidson, however, discloses component node with built in behavior (coding, collective, etc) comprises a memory for storing the events, configuration messages in the application controls in a distributed control system that implemented with programmable logic controllers using self describing packets (see Microsoft press Computer Dictionary: **Packet** is an information unit representing both data and a header containing an identification number...) including time stamps corresponding to the software events and a time value obtained from one of the synchronized clocks which indicates the event time-stamp and log the event in the internal log (see, e.g column 1, lines 11-32, column 3, lines 5+, and column 10, lines 11-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Eidson as the operation function of a recorder function and event log as claimed invention for generating a time-stamp record for each of a set of significant events associated with one or more node applications include a synchronized clock to provide a synchronized time base across the nodes. This would have allowed the accuracy for a system in communication network. Eidson further teaches function for starting and stopping the time stamp records (see, e.g. column 5, lines 23-35).

7. Claim17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eidson (U.S. Patent No. 6,205,362) in view of Eidson (U.S. Patent No. 5,566,180).

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With respect to claim 17, Eidson (362) teaches the features of the claimed invention that each recorder function obtains the event code from the corresponding events, except mention *writes the event code into the corresponding event log along with the corresponding time-stamp*. Eidson (180) teaches a time-stamp record include identifier corresponds to the software event in distributed network of nodes with clock synchronization (see, e.g. Fig 3, column 3, lines 7-23, and column 5, lines 3+). It would have been obvious to one of ordinary skill in the art to modify the teachings of Eidson ('362) to include a time-stamp record include identifier corresponds to the software event in distributed network of nodes with clock synchronization as taught by Eidson ('180), because Eidson ('180) teaches a precise manner of identifier in timing packet for unique identification the events in the distributed system.

Response to Argument

8. Applicant's argument is that Eidson ('362) does not suggest: **a time-stamp record include identifier corresponds to the software event in distributed network of nodes with clock synchronization**; Obtaining the time stamp records via a net work and analyzing the records. It is noted that in computing technology, a packet as disclosed in Eidson ('362) also include identifier (see **Microsoft press Computer Dictionary: Packet is an information unit representing both data and a header containing an identification number...**). Further, this limitation also taught by Eidson ('180), because Eidson ('180) teaches a precise manner of identifier in timing packet for unique identification the events in the distributed system. Eidson ('362) clearly disclose obtaining the time stamp records via a net work and analyzing the records

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(see, e.g. figure 1 and column 1, lines 19-32, column 3, lines 13-32). Moreover, Eidson still disclose the monitoring function in the distributed system (column 3, lines 13+).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is (703) 305-4490. The examiner can

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normally be reached on Monday-Thursday from 7:00am to 4:00pm. The examiner can also be reached on alternate Fridays from 7:00am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow, can be reached on (703) 308-3126.

Any response to this action should be mailed to:

Commissioner of Patents

P.O. Box 1450

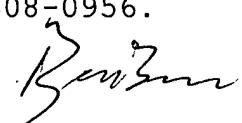
Alexandria, VA 22313-1450

or faxed to:

(703) 308-7722/308-7724 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Plaza 4,
Arlington, VA., Fourth Floor (Receptionist).*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



BRYAN BUI
PRIMARY EXAMINER

B B

5/20/2003